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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/872,372      | 06/01/2001  | Mitchell T. Berg     | 29820.11            | 2815             |

500 7590 10/27/2004

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |   |   |  |
|------------------------------|---|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/872,372        | <b>Applicant(s)</b><br>BERG, MITCHELL T. <span style="float: right;">[Signature]</span> |  |
|                              | <b>Examiner</b><br>George C. Neurauter, Jr. | <b>Art Unit</b><br>2143   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06012001</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

Claims 1-30 are currently presented and have been examined. The Applicant is reminded of the duty to disclose any information such as the current status regarding any copending applications related to the instant application. See MPEP § 2001.06(b) and § 2004, paragraph 9.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 061 349 A to Coile et al.

Regarding claim 1, Coile discloses an information processing system, comprising:

a computing device for receiving an initialization packet ("SYN packet") originating from a client (column 12, lines 37-45); and in response to at least the initialization packet, establishing a data structure of a connection with the client

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("connection object"), irrespective of whether an application of the computing device is associated with the data structure of the connection. (column 12, lines 63-65)

Regarding claim 3, Coile discloses the system of Claim 1 wherein the application is a first application, and wherein the data structure includes an IP address of the client ("foreign IP address"), a port of a second application executed by the client ("foreign port number"), an IP address of the computing device ("physical machine address"), and a port of the first application executed by the computing device ("virtual machine port"). (column 11, line 60-column 12, line 11, specifically column 12, lines 1-11)

Claims 6, 9, 12, 15, 18, 21, 24, 27, and 30 are rejected since these claims contain substantially the same limitations as recited in claim 3.

Regarding claim 4, Coile discloses an information processing system, comprising:

a computing device for receiving a request packet originating from a client (column 12, lines 39-43; column 13, lines 32-35); and

in response to at least the request packet, associating an application of the computing device with a data structure of a connection with the client. (column 13, lines 35-37)

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Claim 7 is rejected since claim 7 recites an information processing system that contains substantially the same limitations as recited in claims 1 and 4 in combination.

Regarding claim 10, Coile discloses an information processing system, comprising:

a first computing device for associating an application of the first computing device with a data structure of a connection with a client; (column 13, lines 35-37)

disassociating the application of the first computing device from the data structure of the connection; (column 13, lines 27-29) and

outputting the data structure of the connection to a second computing device for associating an application of the second computing device with the data structure of the connection. (column 12, lines 25-33)

Regarding claim 13, Colie discloses an information processing system, comprising:

a first computing device for receiving an initialization packet and a request packet originating from a client; (column 12, lines 37-45; column 13, lines 32-35)

in response to at least the initialization packet, establishing a data structure of a connection with the client; (column 12, lines 63-65) and

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in response to at least the request packet and a state of at least one of the first computing device and a second computing device (column 2, lines 24-34), selectively performing one of the following:

associating the data structure of the connection with an application of the first computing device; (column 13, lines 35-37) and

outputting the data structure of the connection and the request packet to the second computing device for associating an application of the second computing device with the data structure of the connection. (column 12, lines 25-33)

Claims 2, 5, 8, 11, 14, 17, 20, 23, 26, and 29 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Coile et al.

Regarding claim 2, Coile discloses the system of Claim 1.

Coile does not expressly disclose wherein the data structure includes a group of sequence numbers associated with the connection, however, Coile does disclose that the computing device that receives a packet is based on the Transmission Control Protocol (column 8, lines 45-64)

It is inherent within the teachings of Coile that a receiver based on the TCP protocol must maintain a record of sequence numbers associated with a connection to a client in

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order to maintain consistency and uniqueness with regard to the transferred data. See also the reference cited in this Office Action "Transmission Control Protocol", specifically page 4, paragraph "Reliability". Therefore, the data structure disclosed within Coile that maintains information regarding a TCP connection with a client must have a record of sequence numbers in order to function. Therefore, Coile anticipates this limitation, or in the alternative, is obvious over Coile for the motivations given above.

Claims 5, 8, 11, 14, 17, 20, 23, 26, and 29 are also rejected since these claims recite substantially the same limitations as recited in claim 2.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 104 717 A to Coile et al;

US Patent 6 473 425 B1 to Bellaton et al;

US Patent 6 587 438 B1 to Brendel;

Defense Advanced Research Projects Agency. "Request from Comments (RFC) 793: Transmission Control Protocol", published by Network Working Group, September 1981, 85 pages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C.

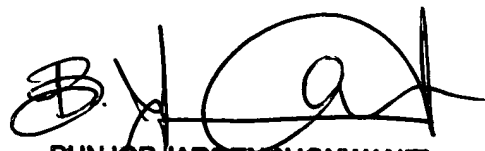
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Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

  
BUNJOB JAROENCHONWANT  
PRIMARY EXAMINER